

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

October 28, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No: 05KD-105
KAUAI

Amend Prior Board Action of May 27, 2005, Item D-1, Consent to Assign General Lease No. S-5616, Elsie May Nishi, Assignor, to Richard Corr Sr. and Elsie May Nishi, Assignee, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-9-12: 37.

BACKGROUND:

The Board at its May 27, 2005, under agenda Item D-1, consent to assign General Lease No. S-5616, Elsie May Nishi, Assignor, to Richard Corr Sr. and Elsie May Nishi, Assignee. After the death of her husband Mrs. Nishi need help on the 2.43 acres of taro fields and Mr. Richard Corr Sr. a full time taro farmer and holder of General Lease S-5397 adjacent to Mrs. Nishi taro fields and was willing help with her taro fields.

REMARKS:

In 2006 Mr. Richard Corr took ill and passed away on October 15, 2006. Mrs. Elsie Nishi is no longer interested retaining a portion of the lease and is requesting that the prior Board consent to assign General Lease No. S-5616, Elsie May Nishi, Assignor, to Richard Corr Sr. and Elsie May Nishi, Assignee, be changed to Corrine Murata and Wanda Corr Assignee.

The Board at its June 8, 2007 under agenda Item D-1 did approved the assignment of General Lease S-5397 Richard Corr (decease) Assignor, to Corrine Murata and Wanda Corr Assignee and the assignment was executed on October 14, 2006.

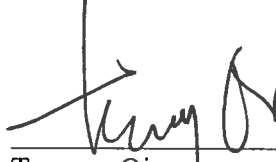
RECOMMENDATION: That the Board:

1. Amend its prior Board action of May 27, 2005, under agenda item D-1 by

changing the Richard Corr Sr. and Elsie May Nishi Assignee, to Corrine Murata and Wanda Corr Assignee.

2. All terms and conditions listed in its May 27, 2005 approval to remain the same.

Respectfully Submitted,



Tommy Oi
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

May 27, 2005

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

File:05KD-105

KAUAI

Consent to Assign General Lease No. S-5616, Elsie May Nishi,
Assignor, to Richard Corr, Sr. and Elsie May Nishi,
Assignee, Lot 8, Hanapepe Rice and Kula Lots, Hanapepe,
Waimea, Kauai, Tax Map Key (4) 1-9-12: 37

APPLICANT:

Elsie May Nishi, as Assignor, to Richard Corr, Sr. single, whose
mailing address is 1 Hanapepe, Hawaii 96716, and
Elsie May Nishi, widow, whose mailing address is
Hanapepe, Hawaii 96716, as joint tenants, as Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION AND AREA:

Portion of Government lands of Waimea situated at Lot 8, Hanapepe
Rice and Kula Lots, Hanapepe, Waimea, Kauai, identified by Tax
Map Key: (4) 1-9-12: 37, consisting of approximately 2.430 acres,
as shown on the attached map labeled Exhibit A.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: NO

CHARACTER OF USE:

Intensive Agricultural-Taro purposes.

TERM OF LEASE:

35 years, commencing on 3/29/01 and expiring on 3/28/2036.

Rental reopenings will occur as of the day following the
expiration of the 10th, 20th and 30th years. The first rental
reopening will occur in March 2011.

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

May 27, 2005

ITEM D-1

ANNUAL RENTAL:

\$3,500.00

CONSIDERATION:

None

RECOMMENDED PREMIUM:

None because there is no consideration involved.

DCCA VERIFICATION:

ASSIGNOR:

Place of business registration confirmed: N/A
Registered business name confirmed: N/A
Good standing confirmed: N/A
N/A Individual

ASSIGNEE:

Place of business registration confirmed: N/A
Registered business name confirmed: N/A
Good standing confirmed: N/A
N/A applicants applying as individuals

REMARKS:

History of lease. This 35 year Intensive Agriculture-Taro lease was sold at public auction on 3/29/01 to Tatuso Nishi, husband of Elsie May Nishi. The lessee passed away on 3/24/03. The Board consented to the assignment of the lease to Elsie May Nishi, as Personal Representative under the last will and testament of Tatuso Nishi, on 4/8/04, D-7.

Reason for assignment. Lessee Elsie May Nishi needs help in managing the taro fields on this 2.43 acre parcel, especially with the management of the apple snail infestation in Hanapepe Valley.

Qualifications of Assignee. Richard Corr Sr. is the holder of General Lease No. S-5397, a 35 year intensive agriculture-taro lease on 7.2 acres adjacent to the Nishi taro lease in Hanapepe Valley. This lease was issued pursuant to Act 237, SLH 1988 and

Act 162, SLH 1994 Part II. Mr. Corr is a full time taro farmer, and is a cousin to Elsie Nishi.

Lessee's compliance with lease terms. Since the assignment of this lease in 10/04, no notices-of-default have been issued. The Lessee's performance bond, insurance and rent are current.

Assignees have not had a lease, permit, easement or other disposition of State lands terminated within the last five years

due to non-compliance with such terms and conditions.

There are no outstanding rental reopening issues.

Agency or community comments were not sought as this assignment of lease continues the intensive agricultural use of the property.



Staff supports the assignment of this lease as Mr. Corr has the agricultural experience and knowledge to address the apple snail problem.

RECOMMENDATION:


That the Board consent to the assignment of General Lease No. S-5616 from Elsie May Nishi, as Assignor, to Elsie May Nishi and Richard Corr, Sr., as Assignees, subject to the following:

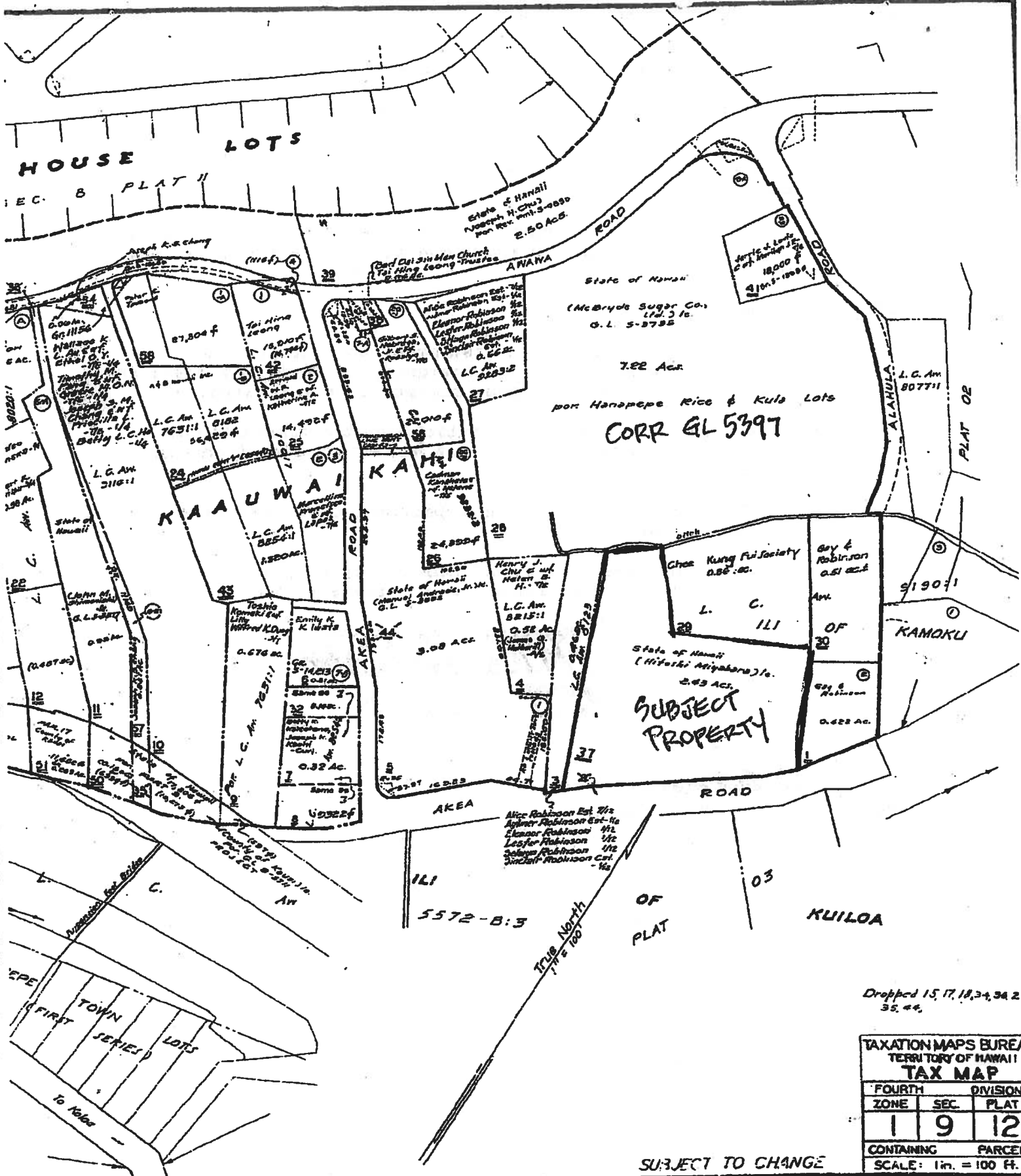
1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


for MICHAEL L. LAURETA
Kauai Land Agent 

APPROVED FOR SUBMITTAL:


Peter T. Young, CHAIRPERSON



Dropped 15, 17, 18, 34, 36, 2
35, 44.

TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
FOURTH		DIVISION
ZONE	SEC	PLAT
1	9	12
CONTAINING		PARCELS
SCALE: 1 in. = 100 Ft.		

SUBJECT TO CHANGE

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EXHIBIT 'A'